

3152 Shad Court
Simi Valley, CA 93063
May 27, 2008

Dr. Xavier Swamikannu
LARWQCB
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: Proposed Changes to the Waste Discharge Requirements
for Municipal Separate Storm Sewer System Discharges
Within the Ventura County Watershed Protection
District, County of Ventura and the Incorporated
Cities Therein, (NPDES No. CAS004002)--Workshop.

Dear Dr. Swamikannu:

I am opposed to the third Draft of the Ventura
Countywide MS4 NPDES Permit for the following reasons.

#1 - Page 1 of 115, under Section A. Permit Parties
and History, "1.", it is stated "Ventura County
Watershed Protection District (Principal
Permittee), County of Ventura, cities of
Camarillo, Fillmore, Moorpark, Ojai, Oxnard,
Port Hueneme, San Buenaventura (Ventura), Santa
Paula, Simi Valley and Thousand Oaks (hereinafter
referred to separately as permittees) have joined
together to form the Ventura Countywide Storm
Water Quality Management Program to discharge
wastes. While this statement is true, there are
legal problems with the joint venture--the
Ventura Countywide 1992 MS4 NPDES Permit
Implementation Agreement agreements.

With regards to the original Ventura Countywide
1992 (MS4) NPDES Permit Implementation Agreement
agreements: they were undertaken without public
hearings, and 2. the Implementation Agreement
agreements' Section on amendments, and others
were violated.

With regards to the 2008 Amendment to the Ventura
Countywide 1992 (MS4) NPDES Permit Implementation

Agreement recently undertaken by the District, the County, and almost all of the Cities (as of this writing I am not sure about the City of Ojai): 1. no public hearings were held, 2. not all Amendment to the 1992 Ventura Countywide Implementation Agreement copies presented to each Permittee followed the same text, 3. most Permittees approved a Signature Page, and one followed normal local government procedure by approving a Resolution, 4. misleading statements are incorporated in the text, and 5. etceteras.

The Ventura County Watershed Protection District Board of Directors, the Board of Supervisors of Ventura County, the City of Simi Valley City Council, Mr. Raul Medina of the LARWQCB, and the Howard Jarvis Taxpayers Association have all been informed about this legal quagmire. This is the reason that the existing NPDES Permit program projects' related assessment fees cannot be increased. This is the reason that Assemblyman Nava through slight of hand (by amending Assemblywoman Karnette's proposed bill) got the Ventura County Watershed Protection Act passed to give the Ventura County Watershed Protection District the authority to levy property-related fees.

- #2 - Pages 1 and 2 of 115, under Section A. Permit Parties and History, "3.", it is stated at the top of Page 2 that "The Ventura County MS4 Permittees have entered into an agreement with the Watershed Protection District to finance the activities related to the Ventura County MS4 Permit for shared and district wide expenses. The Permittees are also given the option to use the Benefit Assessment Program to finance their respective activities related to reducing the discharge of storm water pollutants under the MS4 Permit." NOTE: Same comments as #1.
- #3 - This Order does not ensure that compliance will be the outcome because this MS4 NPDES Permit is being carried out with voluntary program-based BMPs, instead of with end-of-pipe numeric limits, which are less stringent.

ERRORS

1. Page 1 of 115, under Section A. Permit Parties and History, "1.", it is stated at the end of the last sentence "...into the Watershed Management Areas of Ventura River, Santa Clara River, Calleguas Creek, Malibu Creek and Miscellaneous Ventura Coastal all within Ventura County and Los Angeles County..." This Countywide MS4 NPDES Permit is not being requested by the County of Los Angeles, and its agencies, and cities. The request is being made by the Ventura County Watershed Protection District, the County of Ventura, and the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura (Ventura), Santa Paula, Simi Valley and Thousand Oaks. If the County of Los Angeles is benefiting from this MS4 NPDES Permit, then it must be included in all of the Ventura Countywide MS4 NPDES permit documents, and be included in the Amendment to the Ventura Countywide 1992 NPDES Permit Implementation Agreement.
2. Page 1 of 115, under Section A. Permit Parties and History, "3.", it is stated in the first sentence that "The Ventura County Board of Supervisors approved the concept of a countywide NPDES permit program and the use of the Flood Management District (presently the Watershed Protection District) benefit assessment authority to finance it on April 14, 1992". The correct name of the County agency then was the Flood Control District.
3. Page 1 of 115, under Section A. Permit Parties and History, "3.", it is stated in the second sentence that "On June 30, 1992, the Ventura County Board of Supervisors adopted a benefit assessment levy for storm water and flood management in the unincorporated areas of Ventura County and the cities within the County, to be used in part to finance the implementation of a countywide NPDES municipal storm water--continued on top of Page 2 of 115, "permit program". The Board of Supervisors levied benefit assessment program fees.
4. Page 3 of 115, the "space" is missing between "3." and "4."

CHANGES

1. Page 1 of 115, under Section A. Permit Parties and History, "3.", it is stated in the first sentence that "The Ventura County Board of Supervisors approved the concept of a countywide NPDES permit program and the use of the Flood Management District (presently the Watershed Protection District) benefit assessment authority to finance it on April 14, 1992". The use of the Ventura County Flood Control District's Benefit Assessment Program was approved by the Board of Supervisors. If the Board approved the "authority" then the sentence must refer to the Ventura County Flood Control Act of 1944 (now the Ventura County Watershed Protection Act; A.B. 2320 (Strickland) was approved by the Governor on September 14, 2002).

Sincerely,

Mrs. Teresa Jordan

Enclosures:

- May 16, 2008, Letter to Mr. Raul Medina, LARWQCB; City of Simi Valley Water Quality Control Plant NPDES Permit. (6 Pages)
- May 16, 2008, Letter to Mr. Raul Medina, LARWQCB; City of Simi Valley Water Quality Control Plant NPDES Permit. (2 Pages)
- May 7, 2008, Letter to the Ventura County Board of Supervisors; Ventura County Watershed Protection District's FY 2008-2009 Benefit Assessment Program. (22 Pages)